

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 350 Ellicott Square Building, Buffalo, New York, on the 18th day of December, 2008.

PRESENT: **Frank E. Swiatek, Chairman**
Kelly M. Vacco, Vice Chair
Francis G. Warthling, Treasurer
Robert A. Mendez, Executive Director
Matthew J. Baudo, Secretary to the Authority
Robert J. Lichtenthal, Jr., Deputy Director
Wesley C. Dust, Executive Engineer
Mark J. Fuzak, Attorney
Ronald P. Bennett, Associate Attorney
Paul H. Riester, Director of Administration
Daniel J. NeMoyer, Public Affairs Officer
Albert J. Meaney, Comptroller
Steven V. D'Amico, Budget and Financial Analyst

ATTENDEES: **Joseph Matteliano**

CALL TO ORDER

PLEDGE TO THE FLAG

I. - ROLL CALL

II. - READING OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to waive the reading of the Minutes of the Meeting held on Monday November 24, 2008.

III. - APPROVAL OF MINUTES

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the Minutes of the Meeting held on Monday, November 24, 2008.

IV. - REPORTS (See "Report" Minutes for Details)

- A) SECRETARY/PERSONNEL**
- B) LEGAL**
- C) FISCAL**
- D) OPERATIONS**
- E) HUMAN RESOURCES**
- F) AUDIT COMMITTEE**
- G) GOVERNANCE COMMITTEE**

V. - COMMUNICATIONS AND BILLS

ITEM 1 - CREATION OF MASTER PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve the creation of Master Purchase Order Nos. as listed on the attached sheet page 1 not to exceed the amount of \$22,374,400.00 and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 2 - MASTER PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Master Purchase Order Nos. as listed on the attached sheets pages 1-21 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

VI. - UNFINISHED BUSINESS (NONE)

VII. - NEW BUSINESS (RESOLUTIONS 3-37)

ITEM 3 - RANDY BURGWARDT – RETIREMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Randy Burgwardt, Skilled Water Utility Worker, will retire from the Erie County Water Authority effective January 9, 2009; and

WHEREAS, Randy Burgwardt has been employed at the Authority for twenty-six years and during that period has rendered to the Authority outstanding, dedicated service that will truly be missed;

NOW, THEREFORE, BE IT RESOLVED:

That, on behalf of the Erie County Water Authority, we would like to congratulate Randy and express our sincere appreciation for his service and cooperative spirit throughout his tenure at the Authority; and be it further

RESOLVED: That the Board of Commissioners extends best wishes to Randy for health, happiness and longevity in retirement; and be it further

RESOLVED: That a copy of this resolution be presented to Randy Burgwardt at the Authority's Board meeting on December 18, 2008.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 4 - SPENCER E. VAIL, JR. – RETIREMENT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Spencer E. Vail, Jr., Water Treatment Plant Operator, will retire from the Erie County Water Authority effective January 8, 2009; and

WHEREAS, Spencer E. Vail, Jr. has been employed at the Authority for twenty-six years and during that period has rendered to the Authority outstanding, dedicated service that will truly be missed;

NOW, THEREFORE, BE IT RESOLVED:

That, on behalf of the Erie County Water Authority, we would like to congratulate Spencer and express our sincere appreciation for his service and cooperative spirit throughout his tenure at the Authority; and be it further

RESOLVED: That the Board of Commissioners extends best wishes to Spencer for health, happiness and longevity in retirement; and be it further

RESOLVED: That a copy of this resolution be presented to Spencer E. Vail, Jr. at the Authority's Board meeting on December 18, 2008.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 5 - FINAL ACCEPTANCE OF PROJECT WITH O'CONNELL ELECTRIC CO. FOR HIGH VOLTAGE, SERVICE, SWITCHGEAR INSPECTION AND EMERGENCY ELECTRICAL WORK WITHIN THE ERIE COUNTY WATER AUTHORITY'S FACILITIES FOR A PERIOD FOR TWO YEARS FROM JUNE 1, 2006 THROUGH MAY 31, 2008, PROJECT NO. 200600049, CONTRACT NO. 06-12-06 - \$57,602.97

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 28th day of April, 2006, the Erie County Water Authority ("Authority") entered into a contract with O'Connell Electric Co. for high voltage, service, switchgear inspection and emergency electrical work within the Erie County Water Authority's facilities for a period for two years from June 1, 2006 through May 31, 2008, identified as Contract No. 06-12-06; and

WHEREAS, O'Connell Electric Co. has submitted a final invoice dated December 9, 2008 in the amount of \$57,602.97; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

NOW, THEREFORE, BE IT RESOLVED:

That the above project is hereby accepted by the Authority as of the date hereof.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 6 - FINAL ACCEPTANCE OF PROJECT WITH BIRCH GROVE
LANDSCAPING & NURSERY, INC. FOR AREA NO. 1 RESTORATION
FOR THE PERIOD OF APRIL 1, 2006 THROUGH MARCH 31, 2008,
PROJECT NO. 200600001, CONTRACT NO. 06-07-04 - \$75,009.43**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 7th day of April, 2006, the Erie County Water Authority ("Authority") entered into a contract with Birch Grove Landscaping & Nursery, Inc. for Area No. 1 Restoration for the period of April 1, 2006 through March 31, 2008, identified as Contract No. 06-07-04; and

WHEREAS, Birch Grove Landscaping & Nursery, Inc. has submitted a final invoice dated November 7, 2008 in the amount of \$75,009.43; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

NOW, THEREFORE, BE IT RESOLVED:

That the above project is hereby accepted by the Authority as of the date hereof.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

**ITEM 7 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS,
SERIES 1998A - \$50,064.17**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of December 8, 2008 that there was available on December 22, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998A:

Principal Account \$32,916.67

Interest Account \$17,147.50

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$17,147.50 to mature in time for the June 15, 2009 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$32,916.67 to mature in time for the December 15, 2009 Principal Payment at the highest yield to maturity; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$17,147.50 to mature in time for the June 15, 2009 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$32,916.67 to mature in time for the December 15, 2009 Principal Payment at the highest yield to maturity to 1998B, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 8 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 1998B - \$111,688.64

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of December 8, 2008 that there was available on December 22, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 1998B:

Interest Account \$44,605.31
Principal Account \$67,083.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$44,605.31 to mature in time for the April 15, 2009 and invest from the Principal Account in the amount of \$67,083.33 to mature in time for the October 15, 2009 Principal Payment at the highest yield to maturity to 1998B Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$44,605.31 to mature in time for the April 15, 2009 Interest Payment at the highest yield to maturity to 1998B Bondholders and invest from the Principal Account in the amount of \$67,083.33 to mature in time for the October 15, 2009 Principal Payment at the highest yield to maturity to 1998B Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

**ITEM 9 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS,
SERIES 2003F - \$91,766.73**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of December 8, 2008 that there was available on December 22, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2003F:

Interest Account	\$39,683.40
Principal Account	\$52,083.33

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$19,841.70 to mature in time for the January 15, 2009 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Interest Account, in the amount of \$19,841.70 to mature in time for the July 15, 2009 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Principal Account in the amount of \$52,083.33 to mature in time for the July 15, 2009 Principal Payment at the highest yield to maturity to 2003F Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$19,841.70 to mature in time for the January 15, 2009 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Interest Account, in the amount of \$19,841.70 to mature in time for the July 15, 2009 Interest Payment at the highest yield to maturity to 2003F Bondholders and to invest from the Principal Account in the amount of \$52,083.33 to mature in time for the July 15, 2009 Principal Payment at the highest yield to maturity to 2003F Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 10 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2007 - \$188,046.98

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of December 8, 2008 that there was available on December 22, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2007:

Interest Account \$135,130.31
Principal Account \$ 52,916.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$135,130.31 to mature in time for the June 1, 2009 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$52,916.67 to mature in time for the December 1, 2009 Principal Payment at the highest yield to maturity to 2007 Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$135,130.31 to mature in time for the June 1, 2009 Interest Payment at the highest yield to maturity to 2007 Bondholders and invest from the Principal Account in the amount of \$52,916.67 to mature in time for the December 1, 2009 Principal Payment at the highest yield to maturity to 2007 Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

**ITEM 11 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS,
SERIES 2008 - \$195,392.07**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of November 26, 2008 that there was available on November 26, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2008:

Interest Account \$195,392.07

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$195,392.07 to mature in time for the December 1, 2008 Interest Payment at the highest yield to maturity to 2008 Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$195,392.07 to mature in time for the December 1, 2008 Interest Payment at the highest yield to maturity to 2008 Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

**ITEM 12 - RATIFICATION OF THE INVESTMENT OF FUNDS FROM THE
MANUFACTURERS & TRADERS TRUST COMPANY, DEBT SERVICE
FUND WATER WORKS SYSTEM REVENUE REFUNDING BONDS,
SERIES 2008 - \$493,750.00**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan Rinaldo, Cash Manager advised under date of December 8, 2008 that there was available on December 22, 2008 the following amounts in the Debt Service Fund Water Works System Revenue Refunding Bonds, Series 2008:

Interest Account \$195,392.07
Principal Account \$312,916.67

and has recommended that the Manufacturers & Traders Trust Company, as Fiscal Agent, be authorized to invest from the Interest Account, in the amount of \$195,392.07 to mature in time for the June 1, 2009 Interest Payment at the highest yield to maturity to 2008 Bondholders and invest from the Principal Account in the amount of \$312,916.67 to mature in time for the December 1, 2009 Principal Payment at the highest yield to maturity to 2008 Bondholders; and

WHEREAS, Inasmuch as the Authority does not have adequate safekeeping facilities for the aforementioned securities, the Comptroller recommends that the Manufacturers & Traders Trust Company be authorized to maintain possession of the securities, in trust, for the Authority for safekeeping purposes;

NOW, THEREFORE, BE IT RESOLVED:

That the action of Albert Meaney, Comptroller, in authorizing the Manufacturers & Traders Trust Company to invest from the Interest Account in the amount of \$195,392.07 to mature in time for the June 1, 2009 Interest Payment at the highest yield to maturity to 2008 Bondholders and invest from the Principal Account in the amount of \$312,916.67 to mature in time for the December 1, 2009 Principal Payment at the highest yield to maturity to 2008 Bondholders, is hereby approved and ratified; and be it further

RESOLVED: That the Manufacturers & Traders Trust Company be and it hereby is authorized to retain possession of the securities, in trust, for the Authority until further direction by the Authority's Comptroller.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 13 - AUTHORIZATION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE CITY OF LACKAWANNA IN CONNECTION WITH THE RECONSTRUCTION PROJECT ON HOLLAND AVENUE, CITY OF LACKAWANNA, NEW YORK, PROJECT NO. 200700319

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The City of Lackawanna (City) has initiated plans to undertake the reconstruction of Holland Avenue including the milling and asphalt overlay of the entire width of Holland Avenue from Eaton Street to Ridge Road; and

WHEREAS, The Erie County Water Authority ("Authority") has replaced the watermain on Holland Avenue through an Agreement with the County of Erie/Erie County Sewer District No. 6 and intends to undertake the milling and asphalt overlay along one half of Holland Avenue from Eaton Street to Ridge Road; and

WHEREAS, The City and the Authority desire to enter into a Cooperative Agreement to coordinate and facilitate the milling and overlay project on Holland Avenue from Eaton Street to Ridge Road in order to achieve cost containment and efficiency; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend entering into a Cooperative Agreement with the City;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accepts the Cooperative Agreement between the City and the Authority to coordinate and facilitate the milling and overlay project on Holland Avenue from Eaton Street to Ridge Road in order to achieve cost containment and efficiency; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said agreement on behalf of the Authority; and be it further

RESOLVED: That the Secretary be and he hereby is authorized to forward an executed copy of said Agreement together with a certified copy of this resolution to the City.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

**ITEM 14 - AUTHORIZATION TO ACCEPT RATES FROM BLUECROSS
BLUESHIELD OF WESTERN NEW YORK LABOR-MANAGEMENT
HEALTH CARE FUND FOR PAYMENT OF HEALTH INSURANCE
PREMIUMS FOR THE PERIOD OF JANUARY 1, 2008 THROUGH
DECEMBER 31, 2009 AND EXECUTION OF RATE SHEETS**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, BlueCross BlueShield of Western New York Labor-Management Health Care Fund submitted rate sheets for payment of health insurance premiums for Active Core Plan, Active Value Plan, Active Enhanced Plan, Pre Core (POS) Plan, Pre Core (PPO) Plan and Post Core (PPO) Plan for the period of January 1, 2008 through December 31, 2009; and

WHEREAS, Robert A. Mendez, Executive Director, has reviewed the submitted rate sheet and recommends acceptance and execution thereof;

NOW, THEREFORE BE IT RESOLVED:

That the Authority accepts the rates submitted by BlueCross BlueShield of Western New York Labor-Management Health Care Fund for payment of health insurance premiums for Active Core Plan, Active Value Plan, Active Enhanced Plan, Pre Core (POS) Plan, Pre Core (PPO) Plan and Post Core (PPO) Plan for the period of January 1, 2008 through December 31, 2009; and be it further

RESOLVED: That the Executive Director be and he hereby is authorized to execute the attached rate sheets as stated above.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

**ITEM 15 - AWARD OF CONTRACTS FOR WATERMAIN MATERIALS PURCHASE
CONTRACT FOR THE PERIOD OF JANUARY 1, 2009 THROUGH
DECEMBER 31, 2009, PROJECT NO. 200900001**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority ("Authority") heretofore advertised in the Dodge Reports and Front Page on the 8th day of October, 2008, and in Business First on the 10th day of October, 2008, a notice inviting sealed bids or proposals in accordance with Section 1069 of the Public Authorities Law for watermain materials purchase contract for the period of January 1, 2009 through December 31, 2009; and

WHEREAS, Paul H. Riester, Director of Administration advised that this particular contract is awarded by line item; and

WHEREAS, Sealed bids or proposals were opened in the office of the Authority on the 4th day of November, 2008, at 11:00 a.m., local time; and

WHEREAS, Said bids were analyzed by Authority staff and the items listed on the attached Schedules "A" through "E" are recommended for award to the respective bidders in the total amounts set forth below:

BIDDERS	AMOUNT
Everett J. Prescott, Inc.	\$ 7,606.89 - See Schedule "A"
TI-Sales, Inc.	12,206.04 - See Schedule "B"
Vellano Brothers, Inc.	166,175.94 - See Schedule "C"
Lock City Supply, Inc.	399,692.76 - See Schedule "D"
K&S Contractors Supply, Inc.	654,334.51 - See Schedule "E"; and

WHEREAS, The bid bonds have all been approved by Anthony Alessi, Claims Representative/Risk Manager; and

WHEREAS, James R. Lisinski, Coordinator of Employee Relations, has advised that Vellano Brothers, Inc., Lock City Supply, Inc. and K&S Contractors Supply, Inc. have complied with the Authority's Affirmative Action Requirements and recommends that they be allowed to proceed with their respective contracts based on that fact; and

WHEREAS, Inasmuch as Everett J. Prescott, Inc. and TI-Sales, Inc. are under the limit of \$100,000 and comply with the Authority's Affirmative Action Policy, James R. Lisinski, Coordinator of Employee Relations, recommends that Everett J. Prescott, Inc. and TI-Sales, Inc. proceed with their respective contract; and

WHEREAS, It has been determined that the above contractors are the lowest responsible bidders on their respective items and Paul H. Riester, Director of Administration, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director have recommended that contracts be awarded to the above contractors in the amounts set forth in Schedules "A" through "E" for the watermain materials purchase contract for the period of January 1, 2009 through December 31, 2009;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority accept the bids of Everett J. Prescott, Inc. in the amount of \$7,606.89, TI-Sales, Inc. in the amount of \$12,206.04, Vellano Brothers, Inc. in the amount of \$166,175.94, Lock City Supply, Inc. in the amount of \$399,692.76 and K&S Contractors Supply, Inc. in the amount of \$654,334.51 and that the Chairman be and he hereby is authorized and directed to execute contracts with each of the above contractors for the watermain materials purchase contract for the period of January 1, 2009 through December 31, 2009 in the amounts set forth above; and be it further

RESOLVED: Pursuant to New York State Finance Law §§139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures with the award and execution by the Authority of these contracts, the Restricted Period will cease; and be it further

RESOLVED: That the Director of Administration is hereby authorized and directed to create a Master Purchase Order for the abovementioned contract.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 16 - AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FURNISHING AND DELIVERING OF FOURTEEN (14) NEW AND UNUSED VEHICLES NOS. 14, 16, 26, 28, 48, 49, 50, 53, 71, 74, 84, 89, 96 AND 107, PROJECT NO. 200900009

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend that the Erie County Water Authority ("Authority") publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the furnishing and delivering of fourteen (14) new and unused vehicles nos. 14, 16, 26, 28, 48, 49, 50, 53, 71, 74, 84, 89, 96 and 107; and

WHEREAS, The work, labor and services for the abovementioned project is estimated to cost an amount in excess of \$10,000.00; and

WHEREAS, The Advertisement for Bids for the furnishing and delivering of fourteen (14) new and unused vehicles nos. 14, 16, 26, 28, 48, 49, 50, 53, 71, 74, 84, 89, 96 and 107 will be conducted pursuant to the newly enacted legislation, New York State Finance Law §§ 139-j and 139-k and the Authority's Purchasing Guidelines, Policies and Procedures; and

WHEREAS, Robert Guggemos, Distribution Engineer will be the designated contact person for the project with the adoption of this resolution;

NOW, THEREFORE, BE IT RESOLVED:

That the plans and specifications and form of bid be prepared for the furnishing and delivering of fourteen (14) new and unused vehicles nos. 14, 16, 26, 28, 48, 49, 50, 53, 71, 74, 84, 89, 96 and 107 and upon completion be made available for inspection by bidders in the office of the Authority; and be it further

RESOLVED: That the Secretary be and he hereby is authorized and directed to publish a notice inviting sealed bids or proposals pursuant to Section 1069 of the Public Authorities Law for the abovementioned project.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 17 - APPROVAL OF CHANGE ORDER NO. 1 OF C. DESTRO DEVELOPMENT

**CO., INC. FOR CONTRACT NO. T-21-A, WATER SYSTEM
IMPROVEMENTS, PROJECT NO. 200700319, CONTRACT NO. 08-08-03 -
\$11,165.10**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 19th day of February, 2008, the Erie County Water Authority ("Authority") entered into a contract with C. Destro Development Co., Inc. for Contract No. T-21A, water system improvements, identified as Contract No. 08-08-03; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$11,165.10 to provide for the following changes:

1. The Contractor installed a 6-inch gate valve in lieu of the specified 8-inch gate at interconnection #7W1 at the request of the Authority and there was no unit price item in the contract for a 6-inch line valve.
2. The Contractor installed a 4-inch ductile water main and a 4-inch gate valve for the interconnection to a meter pit that provides water service to the school on Willow Wood Parkway in the Town of Amherst due to the fact that the school was found to be serviced from the back of the building (Willow Wood Park N) and not in the front of school as originally anticipated.
3. Storm sewer removal, repair and reinstallation on Sanilac Street and Laverack Avenue in the Village of Depew because the existing 12" and 18" VTP storm sewers were not shown on the design drawing and were not known to exist to the Village of Depew Department of Public Works. The removals, repairs and reinstallation were necessary to facilitate the installation of the proposed watermain.
4. A no-cost change of the date of Substantial Completion from August 10, 2008 to September 19, 2008 and Final Completion from September 9, 2008 to October 19, 2008 in accordance with General Conditions Sections 12.02 and 12.03; and

WHEREAS, TVGA Consultants, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of C. Destro Development Co., Inc. in the amount of \$11,165.10 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Change Order No. 1 on behalf of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 18 - APPROVAL OF CREDIT CHANGE ORDER NO. 1 OF ANASTASI TRUCKING & PAVING CO. FOR CONTRACT NO. CH-004, PAVEMENT REPLACEMENT PROJECT, SERVICE CENTER AND GUENTHER PUMP STATION, ERIE COUNTY, NEW YORK, PROJECT NO. 200800095, CONTRACT NO. 08-21-10 - \$1,985.78

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 3rd day of October, 2008, the Erie County Water Authority ("Authority") entered into a contract with Anastasi Trucking & Paving Co. for Contract No. CH-004, pavement replacement project, Service Center and Guenther Pump Station, Erie County, New York, identified as Contract No. 08-21-10; and

WHEREAS, Said contractor has submitted Credit Change Order No. 1 in the sum of \$1,985.78 to provide for electrical conduit modifications at the Service Center; and

WHEREAS, The reason for said credit is because the modification facilitated the installation at a savings to the contract; and

WHEREAS, Clough Harbour & Associates LLP, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Credit Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Credit Change Order No. 1 of Anastasi Trucking & Paving Co. in the amount of \$1,985.78 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Credit Change Order No. 1 on behalf of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 19 - FINAL ACCEPTANCE OF PROJECT WITH ANASTASI TRUCKING & PAVING CO. FOR CONTRACT NO. CH-004, PAVEMENT REPLACEMENT PROJECT, SERVICE CENTER AND GUENTHER PUMP STATION, ERIE COUNTY, NEW YORK, PROJECT NO. 200800095, CONTRACT NO. 08-21-10 - \$191,969.95

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 3rd day of October, 2008, the Erie County Water Authority ("Authority") entered into a contract with Anastasi Trucking & Paving Co. for Contract No. CH-004, pavement replacement project, Service Center and Guenther Pump Station, Erie County, New York, identified as Contract No. 08-21-10; and

WHEREAS, Clough Harbour & Associates LLP, Consulting Engineers has submitted a final invoice dated December 4, 2008 in the amount of \$191,969.95; and

WHEREAS, Clough Harbour & Associates LLP, Consulting Engineers, Wesley C. Dust, P.E., Executive Engineer, and Robert A. Mendez, Executive Director, recommend acceptance of said project;

NOW, THEREFORE, BE IT RESOLVED:

That the above project is hereby accepted by the Authority as of the date hereof.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 20 - APPROVAL OF CHANGE ORDER NO. 1 OF JAMESON ROOFING CO., INC. FOR ROOF REPLACEMENT, STURGEON POINT WATER TREATMENT PLANT CONTROL BUILDING, PROJECT NO. 200800058, CONTRACT NO. 08-18-08 - \$4,953.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 30th day of July, 2008, the Erie County Water Authority ("Authority") entered into a contract with Jameson Roofing Co., Inc. for roof replacement, Sturgeon Point Water Treatment Plant Control Building, identified as Contract No. 08-18-08; and

WHEREAS, Said contractor has submitted Change Order No. 1 in the sum of \$4,953.00 to provide for the following:

1. Remove and replace deteriorated metal edge trim due to unforeseen conditions.
2. Remove and dispose of 3,800 sq. ft. of asbestos roofing due to unforeseen conditions; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Change Order No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Change Order No. 1 of Jameson Roofing Co., Inc. in the amount of \$4,953.00 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Change Order No. 1 on behalf of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 21 - APPROVAL OF AMENDMENT NO. 1 OF ECOLOGY & ENVIRONMENT, INC. TO PROVIDE SERVICES RELATED TO THE ERIE COUNTY WATER AUTHORITY'S GEOGRAPHIC INFORMATION SYSTEM (GIS) FOR 2007 AND 2008, PROJECT NO. 200700015 - \$100,000.00

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 25th day of January, 2007, the Erie County Water Authority ("Authority") entered into an agreement with Ecology & Environment, Inc. to provide consulting services for technical support for the Authority's Geographic Information System ("GIS") for 2007 and 2008; and

WHEREAS, Said consultant has submitted Amendment No. 1 in the sum of \$100,000 to provide for the following changes:

1. In Section 2, Scope of Services, change the last sentence to read: "The term of the contract shall be through December 31, 2009."
2. In Section 3, Payment for Services, change the last sentence in the first paragraph to read: "The consultant shall complete all services as needed at a cost not to exceed \$400,000."; and

WHEREAS, The reason for the above changes is to renew the contract for a one year period commencing January 1, 2009 through December 31, 2009 per Section 21, Grounds for Renewal of Contract; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director recommend approval of said Amendment No. 1;

NOW, THEREFORE, BE IT RESOLVED:

That Amendment No. 1 of Ecology & Environment, Inc. in the amount of \$100,000 to provide for the abovementioned change be approved; and be it further

RESOLVED: That the Chairman be and he hereby is authorized to execute said Amendment No. 1 on behalf of the Authority.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 22 - RATIFICATION OF THE INSTALLATION OF HYDRANTS AND VALVES AND RETIREMENT OF EXISTING HYDRANTS AND VALVES - VARIOUS LOCATIONS

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Engineering Department of the Erie County Water Authority ("Authority") advised that hydrants and valves were installed as part of the Authority's program to keep pace with improvements in fire fighting technology, as follows:

Replace existing hydrant at 47 Huth Road, Cheektowaga with a new Clow hydrant on September 24, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5820.

Old Kennedy K-81A hydrant originally installed in 1985 was scrapped and retired under Retirement Authorization No. R80049.

Replace existing hydrant at 17 Elm Street, City of Lackawanna with a new Clow hydrant on September 24, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5821.

Old Kennedy hydrant originally installed on 1981 was scrapped and retired under Retirement Authorization No. R80050.

Replace existing hydrant at 94 Meadowstream Drive, Town of Amherst with a new Clow hydrant on September 24, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5822.

Old Mueller hydrant originally installed pre 1954 was scrapped and retired under Retirement Authorization No. R80051.

Replace existing hydrant at 4610 Milestrip Road, Town of Hamburg with a new Clow hydrant on October 6, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5823.

Old AP Smith hydrant originally installed in 1972 was scrapped and retired under Retirement Authorization No. R80052.

Replace existing hydrant at 4780 Milestrip Road, Town of Hamburg with a new Clow hydrant on October 9, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5825.

Old AP Smith hydrant originally installed in 1972 was scrapped and retired under Retirement Authorization No. R80054.

Replace existing hydrant at 145 Melcourt Drive, E., Town of Cheektowaga with a new Clow hydrant on October 30, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5828.

Old Mueller hydrant originally installed pre 1956 was scrapped and retired under Retirement Authorization No. R80028.

Replace existing hydrant at 2801 Harlem Road, Town of Cheektowaga with a new Clow hydrant on November 4, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5829.

Old Mueller Centurion hydrant originally installed in 1991 was scrapped and retired under Retirement Authorization No. R80057.

Replace existing hydrant at opposite 4060 Harris Hill Road, Town of Cheektowaga with a new Clow hydrant on November 4, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5830.

Old Mathew hydrant originally installed pre 1999 was scrapped and retired under Retirement Authorization No. R80058.

Replace existing hydrant at 95 Wilshire Road, Town of Cheektowaga with a new Clow hydrant on November 10, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5832.

Old Waterous hydrant originally installed pre 1989 was scrapped and retired under

Retirement Authorization No. R80059.

Replace existing valve at 52 Woodridge, Town of Cheektowaga with a new Resilient valve on November 19, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5833.

Old six inch valve originally installed in 1948 was scrapped and retired under Retirement Authorization No. R80060.

Replace existing hydrant at 59 Halstead Avenue, Village of Sloan with a new Clow hydrant on November 28, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5835.

Kennedy hydrant originally installed in 1981 was scrapped and retired under Retirement Authorization No. R80061.

Replace existing hydrant at 2303 Union Road, Town of Cheektowaga with a new Clow hydrant on December 1, 2008. Work done by ECWA forces under Work Authorization No. 107.200 5836.

Old Mueller hydrant originally installed in 1951 was scrapped and retired under Retirement Authorization No. R80062; and

WHEREAS, Wesley C. Dust, P.E., Executive Engineer and Robert A. Mendez, Executive Director ratify said installations and work;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority approve the retirement of the abovementioned hydrants and valves at the abovementioned locations; and be it further

RESOLVED: That the installation of the new hydrants and valves in the abovementioned locations, as part of the Authority's continuing program to improve its facilities is hereby approved, ratified and confirmed.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 23 - AUTHORIZATION TO GRANT LEAK ALLOWANCE REQUEST - \$8,472.84

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised the Authority that he has received leak allowance requests from Authority customers listed below resulting from a service line leak:

- | | |
|--|--|
| 1) Eden Corn Festival, Inc.
2912 Legion Drive
Eden, NY 14057
\$1,777.97 | 3) M. Reynolds & M. Renwald
32 Aurora St.
Lancaster, NY 14086
\$674.91 |
| 2) Benderson Development Company
149 French Road
Cheektowaga, NY 14227
\$792.50 | 4) Buffalo Crushed Stone, Inc.
Woodlawn Ave.
Blasdell, NY 14219
\$5,227.46; and |

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director advised that the requests contain documentation showing that the leak has been repaired; and

WHEREAS, Said leak allowance requests have complied with all leak allowance requirements; and

WHEREAS, As stated in Section 9.09 of the Authority's Tariff, the granting of a leak allowance shall be in the sole discretion of the Authority; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director recommends granting the above leak allowance request; and

WHEREAS, Robert A. Mendez, Executive Director concurs with said recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority grant the leak allowance request to the abovementioned customers; and be it further

RESOLVED: That the Comptroller is hereby authorized and directed to adjust the account of the abovementioned customers.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

**ITEM 24 - AUTHORIZATION TO WRITE-OFF ACCOUNTS RECEIVABLE FOR
THE CALENDAR YEARS 2007 and 2008 - \$47,847.97**

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Susan L. Rinaldo, Cash Manager, has submitted a report dated December 12, 2008 stating that the attached list of accounts receivable for water service totaling \$47,847.97 are uncollectible as per status received from the Authority's collection agencies, represent discharged bankruptcies or are amounts less than \$10.00 representing billings rendered prior to December 12, 2008; and

WHEREAS, This listing has been reviewed by Albert J. Meaney, Comptroller; and

WHEREAS, Robert J. Lichtenthal, Jr., Deputy Director, and Robert Mendez, Executive Director, recommend that the Authority write-off these accounts as uncollectible;

NOW, THEREFORE, BE IT RESOLVED:

That the report of Susan L. Rinaldo, Cash Manager, is hereby approved and that said list of uncollectible accounts receivable for water service, totaling \$47,847.97 be charged off as bad debts against the reserve set up by the Authority for that purpose.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 25 - ECONOMIC STIMULUS PACKAGE RESOLUTION

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, There has been well publicized discussion of the need for our state and federal representatives to enact a necessary economic stimulus package to revive the United States economy; and

WHEREAS, According to the U.S. Conference of Mayors a \$10 billion investment in drinking water infrastructure could bring more than \$63 billion in value to the United States economy; and

WHEREAS, The need to upgrade the nation's quickly aging water infrastructure has been well documented for several years by news media, broadcast documentaries and industry professionals and associations; and

WHEREAS, Our nation's dependence on a plentiful and dependable supply of fresh, safe drinking water is vital to the health, safety and economic wellbeing of all our residents

NOW, THEREFORE BE RESOLVED:

That the Commissioners of the Erie County Water Authority heartily endorse the allocation of \$10 billion of federal funding for an economic stimulus package to be invested in our nation's drinking water infrastructure through the state's Drinking Water State Revolving Fund; and be it further

RESOLVED: That not less than thirty percent of this funding through the State Revolving Fund be reserved for large drinking water systems, which are more dependent on long term planning to implement capital infrastructure investment; and be it further

RESOLVED: That a certified copy of this resolution be distributed to the state and federal elected officials who represent the Erie County Water Authority service area.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 26 - AUTHORIZATION FOR ROBERT LICHTENTHAL, JR., DEPUTY DIRECTOR AND SUSAN RINALDO, CASH MANAGER TO ATTEND THE NEW YORK STATE GFOA ANNUAL CONFERENCE IN ALBANY, NEW YORK

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority deems it advisable for Robert Lichtenthal, Jr., Deputy Director and Susan Rinaldo, Cash Manager to attend the New York State GFOA Annual Conference in Albany, New York at a total estimated cost of \$1,800.00;

NOW, THEREFORE, BE IT RESOLVED:

That Robert Lichtenthal, Jr., Deputy Director and Susan Rinaldo, Cash Manager be and they are hereby authorized to travel to Albany, New York from March 31, 2009 to April 3, 2008 to attend the New York State GFOA Annual Conference at a total estimated cost of \$1,800.00.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 27 - AUTHORIZATION TO AMEND ITEM NO. 43.0 (INSURANCE BENEFITS) TO THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES POLICIES/PROCEDURES MANUAL

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 18th day of May, 1995, by Resolution Item No. 25, the Erie County Water Authority ("Authority") adopted a Human Resources Policies/ Procedures Manual; and

WHEREAS, Heretofore and on the 27th day of December, 2005 the Authority adopted a revised Human Resources Policies/Procedures Manual; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 43.0 (Insurance Benefits) of said Manual to read as follows on the attached Schedule "A"; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 43.0 (Insurance Benefits) of the Authority's Human Resources Policies/Procedures Manual; and

WHEREAS, Robert A. Mendez, Executive Director concurs with said recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Policy No. 43.0 (Insurance Benefits) of the Authority's Human Resources Policies/Procedures Manual as noted on the attached Schedule "A".

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 28 - AUTHORIZATION TO AMEND ITEM NO. 44.A (MEDICAL AND/OR DENTAL INSURANCE WAIVER) TO THE ERIE COUNTY WATER AUTHORITY'S HUMAN RESOURCES POLICIES/PROCEDURES MANUAL

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 18th day of May, 1995, by Resolution Item No. 25, the Erie County Water Authority ("Authority") adopted a Human Resources Policies/ Procedures Manual; and

WHEREAS, Heretofore and on the 27th day of December, 2005 the Authority adopted a revised Human Resources Policies/Procedures Manual; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority advises that it is in the best interest of the Authority to amend Policy No. 44.A (Medical and/or Dental Insurance Waiver) of said Manual to read as follows on the attached Schedule "A"; and

WHEREAS, Matthew J. Baudo, Secretary to the Authority recommends amending Policy No. 43.0 (Insurance Benefits) of the Authority's Human Resources Policies/Procedures Manual; and

WHEREAS, Robert A. Mendez, Executive Director concurs with said recommendation;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority amend Policy No. 44.A (Medical and/or Dental Insurance Waiver) of the Authority's Human Resources Policies/Procedures Manual as noted on the attached Schedule "A".

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 29 - AUTHORIZATION TO AMEND ITEM NO. 17 OF THE MINUTES OF THE MEETING OF THE ERIE COUNTY WATER AUTHORITY HELD ON MARCH 1, 2001 REGARDING RONALD BENNETT - REAPPOINTMENT AS ASSOCIATE ATTORNEY (PART-TIME)

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, Heretofore and on the 1st day of March, 2001 the Erie County Water Authority (Authority) appointed Ronald P. Bennett as Associate Attorney (Part-Time) compensated under Annual Salary Grade 29E, Step 1 of the Authority's Career and Salary Plan; and

WHEREAS, The Authority desires to amend the resolution to read as follows: That Ronald Bennett, be appointed to the position of Associate Attorney (Part-Time) compensated at \$100.00 per hour not to exceed the annual appropriation;

NOW, THEREFORE BE IT RESOLVED:

The Authority amend Item No. 17 of the Minutes of the Meeting of the Erie County Water Authority held on March 1, 2001 to read as follows: That Ronald Bennett, be appointed to the position of Associate Attorney (Part-Time) compensated at \$100.00 per hour not to exceed the annual appropriation.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 30 - AUTHORIZATION OF A ONE-TIME PAYMENT FOR ALL BI-WEEKLY EMPLOYEES NOT ELIGIBLE FOR MEMBERSHIP IN A COLLECTIVE BARGAINING UNIT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (the "Authority") has periodically adopted resolutions establishing a Career and Salary Plan which plan has been amended by resolution of the Authority from time to time; and

WHEREAS, Certain employees of the Authority are represented for the purpose of collective bargaining by AFSCME Local 930 and CSEA Local 1000; and

WHEREAS, Certain bi-weekly employees of the Authority not included in either of the two bargaining units within the Authority are referred to as "Managerial/ Confidential" employees; and

WHEREAS, The Authority deems it advisable to provide for all Managerial/ Confidential" employees that are not covered under separate contract a one-time payment in the amount of 2.0 % of their annual salary covering the period of April 1, 2008 to December 31, 2008;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority is hereby directed to provide the abovementioned one-time payment in the amount of 2.0 % of their annual salary covering the period of April 1, 2008 to December 31, 2008 for all "Managerial/Confidential" employees that are not covered under separate contract.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 31 - AUTHORIZATION TO AMEND THE AUTHORITY'S CAREER AND SALARY PLAN - BI-WEEKLY EMPLOYEES NOT ELIGIBLE FOR MEMBERSHIP IN A COLLECTIVE BARGAINING UNIT

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority (the "Authority") has periodically adopted resolutions establishing a Career and Salary Plan which plan has been amended by resolution of the Authority from time to time; and

WHEREAS, Certain employees of the Authority are represented for the purpose of collective bargaining by AFSCME Local 930 and CSEA Local 1000; and

WHEREAS, Certain bi-weekly employees of the Authority not included in either of the two bargaining units within the Authority are referred to as "Managerial/ Confidential" employees; and

WHEREAS, The Authority deems it advisable to provide for all Managerial/ Confidential" employees that are not covered under separate contract a 3.0 % salary increase;

NOW, THEREFORE, BE IT RESOLVED:

That the Authority's Career and Salary Plan is amended providing the abovementioned 3.0 % wage increase for all "Managerial/Confidential" employees that are not covered under separate contract effective January 1, 2009.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 32 - SALARY INCREMENTS - JANUARY 1, 2009

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, The Erie County Water Authority adopted a Career and Salary Plan for its employees, which, among other things, provides a five-step wage and salary increment schedule; said increments shall be granted after due consideration of merit and quality of individual performance; and

WHEREAS, The compensation for each increment shall be as specified in the salary schedules for each specific salary grade; and

WHEREAS, Satisfactory evaluations have been presented to the Board for the employees listed on the attached sheet recommending increments;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of salary increments to the employees listed on the attached sheet in their respective salary grades and to the steps listed on their increment anniversary, namely January 1, 2009 is hereby approved; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling
Noes: None

ITEM 33 - FIRST LONGEVITY INCREMENTS - JANUARY 1, 2009

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, By Item No. 2 of the Minutes of the Meeting of January 31, 1963, the Authority adopted the following amendment to its Career and Salary Plan to provide for a longevity increment:

When an employee holding a position allocated to a salary grade prescribed in the Erie County Water Authority's Career and Salary Plan, adopted by resolution of the Authority dated October 11, 1956, has reached, by or after January 1, 1964, a salary equal to or in excess of the maximum salary grade of the grade of his/her position, a position in the same salary grade for a period of five (5) years in the aggregate, he/she shall be entitled on the first day of the fiscal year following completion of such service, to receive an additional increment of the grade to which his/her position is allocated, provided, however, that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus one additional increment of such grade; and

WHEREAS, The employees listed on the attached sheet are entitled to a first longevity

increment inasmuch as the date of their last regular increment was five years or more;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of first longevity increments to the employees listed on the attached sheet in the grade to which their positions are allocated commencing January 1, 2009 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments in accordance with the amendment to the Career and Salary Plan herein described.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 34 - ADDITIONAL LONGEVITY INCREMENTS - JANUARY 1, 2009

Motion by Mr. Warthling seconded by Mrs. Vacco

WHEREAS, By resolution identified as Item No. 27 of the Minutes of the Meeting of April 1, 1969, the Erie County Water Authority adopted the amendment to its Career and Salary Plan for hourly-rated employees in Sub Grade 1 through Grade 6, inclusive, to provide, among other things, a second longevity increment; and

WHEREAS, Said increment is as follows:

When an employee has received his/her first longevity increment in accordance with the provisions of Item No. 2 of the Minutes of the Meeting of January 31, 1963, and continues in the same position for an additional five (5) years without increments, he /she shall be entitled, on such first day of the fiscal year following completion of such service, to receive a second longevity increment of the grade to which his/her position is allocated, provided, however that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his/her position plus two additional increments in such grade; and

WHEREAS, By resolution identified as Item No. 31 of the Minutes of the Meeting of February 10, 1970, the Authority amended its Career and Salary Plan for annual salaried employees in Grade 1 through 36 inclusive, to provide the aforementioned second longevity increment to these employees; and

WHEREAS, By resolution identified as Item No. 6 of the Minutes of the Meeting of April 1, 1971, the Authority authorized a third longevity increment to be provided after an employee continues in the same position for an additional five (5) years without increments; said increment shall not exceed the salary grade of the position to an amount in excess of the maximum salary of the grade plus three (3) additional increments of such grade; and

WHEREAS, By resolution identified as Item No. 27 of the Minutes of the Meeting of

March 12, 1987, the Authority authorized a fourth longevity step for employees in the white-collar bargaining unit and employees not eligible for membership in a collective bargaining unit; said increment to be provided after an employee is in the same salary grade for an additional five (5) years without increments after receiving his/her third longevity increment; and

WHEREAS, By resolution identified as Item No. 38 of the Minutes of the Meeting of July 9, 1987, the Authority authorized the aforementioned fourth longevity step under the same conditions for employees in the Blue Collar Bargaining Unit; and

WHEREAS, By resolution identified as Item No. 22 of the Minutes of the Meeting of September 9, 1999, the Authority authorized a fifth longevity step and reduced the interval from five (5) years to four (4) years for employees in the White Collar Bargaining Unit; and

WHEREAS, That the employees listed on the attached sheet are entitled to additional longevity increments effective January 1, 2009 in accordance with the terms of the Authority's Career and Salary Plan;

NOW, THEREFORE, BE IT RESOLVED:

That the awarding of additional longevity increments to the employees listed on the attached sheet in the grades to which their positions are allocated commencing January 1, 2009 in accordance with the aforementioned amendment to the Career and Salary Plan is hereby approved; and be it further

RESOLVED: That the Comptroller is hereby directed to pay said increments to the above employees.

Ayes: Three; Commrs. Swiatek, Vacco and Warthling

Noes: None

ITEM 35 - PURCHASE ORDERS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Nos. as listed on the attached sheets pages 22-31 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 36 - PURCHASE ORDER AMENDMENTS:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve for payment of Purchase Order Amendments as listed on the attached sheet page 32 after certification by the Comptroller that the orders are in accordance with the quotations and that the Director of Administration be authorized to execute the above and all associated documents after certifying that they are in conformity with applicable laws and the Authority's By-Laws and Purchasing Guidelines, Policies and Procedures.

ITEM 37 - SERVICE CONNECTION WORK ORDER LIST:

Motion by Mr. Warthling seconded by Mrs. Vacco and carried to approve Service Connection Work Order Nos. 2008-47, 2008-48, 2008-49 and 2008-50, to C. Destro Development Co., Inc. for Service Area No. 1 under Contract No. 07-04-01 and to C. Destro Development Co., Inc. for Service Area No. 2 under Contract No. 07-05-01 and large services under Contract No. 07-03-01 to Kandey Company, Inc.

VIII. - ADJOURNMENT

Meeting adjourned until the next regular meeting to be held on Thursday, January 25, 2009 at 10:00 p.m.

Matthew J. Baudo
Secretary to the Authority

SLZ